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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,083	11/06/2003	Heinz Focke	Q78287	8033

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EXAMINER

MUSSER, BARBARA J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/702,083	<b>Applicant(s)</b> FOCKE ET AL.	
	<b>Examiner</b> Barbara J. Musser	<b>Art Unit</b> 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 8-21 is/are pending in the application.
- 4a) Of the above claim(s) 8-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims 8-14 drawn to an invention nonelected with traverse in Paper dated 3/29/06. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Objections***

2. Claim 17 is objected to because of the following informalities: the word "is" appears in line 5. This appears to be grammatically incorrect. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, in lines 7-8, it is unclear what is meant by the glue being applied to areas of the folding coupons corresponding to the positioning of the folding coupon on the folding legs. For the purposes of examination, this is considered to be mean that glue is applied to locations that, after cutting, and folding, comprise a folding

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leg, i.e. an end portion of the web that is folded over another portion of the web. In lines 13-14, it is unclear what is meant by folding the blanks "to correspond to the fold of the folding coupons." Applicant has not described the type of fold of the folding coupons in the claims so examiner is unclear as to the types of folds covered by the claim. For the purposes of examination, this is considered to require folding the web transversely at least once.

Claim 15 recites the limitation "the supply of heat" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 16, it is unclear whether this claim requires starting with a double layer strip which is then folded to form a 4 layer strip or if a single layer strip is folded to form a double layer strip since step a) indicates the web has a double layered configuration and step b) performs a folding step. For the purposes of examination, step a) is considered to simply recite the results of the steps performed in step b) rather than a starting material for step b).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vijuk (U.S. Patent 4,812,195) in view of Brown and Vijuk(U.S. Patent 4,817,931).

Vijuk '195 discloses a method of forming printed folded carriers(outserts) wherein a web which can be double width is cut into sheets(31), folded(33), adhesive is applied(45), and the web is cut longitudinally to form two carriers(53) adjacent each other.(Col. 3, ll. 49-57; Figure 1) The reference does not disclose the type of adhesive applied, applying the adhesive before cutting the web into sheets, or activating the adhesive by heat after folding. Brown discloses a method of making printed material wherein hot-melt adhesive is applied to regions of a continuous web, blanks are cut from the web which are then folded, and then applying heat and pressure to activate the adhesive.(Col. 3, ll. 17-68) Vijuk '931 discloses a method of making printed folded carriers wherein a sheet of printed material is folded, and a hot-melt adhesive is applied.(Col. 3, ll. 30-36; Col. 4, ll. 3-5; Col. 7, ll. 1) It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply hot melt adhesive to regions of the web of Vijuk '195 prior to cutting it and then activate them after folding the web since Brown shows this is an obvious alternative to applying the adhesive after cutting and folding as taught by Brown(Col. 3, ll. 17-68) and since Vijuk '931 shows it is known to use hot melt adhesive with outserts like those of Vijuk '195.

Regarding claim 16, while the reference do not disclose using a double width and double layered web, Vijuk '195 discloses a double width web.(Col. 3, ll. 54-57) Vijuk '931 discloses an individual carrier can be folded lengthwise, making a double layered web, prior to being folded widthwise. It would have been obvious to one of ordinary skill in the art at the time the invention was made to fold the double width carrier longitudinally so that the edges meet in the center to make a double layered web since

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Vijuk '931 discloses the carriers can be folded in two directions to make a double layered web and since this would allow formation of two adjacent double layered carriers and to perform this folding while the web is continuous since longitudinally folding a continuous web is simple.

Regarding claim 17, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a small space between the folded longitudinal sides of claim 16 so that the edges would not be cut off accidentally.

Regarding claim 18, while the references only show one adhesive location per carrier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply adhesive at a second location on the opposite side of the carrier to bond some of the interior folds together so that the carrier does not inadvertently open.

Regarding claim 19, Vijuk '195 discloses using marks to determine the cutting locations.(Col. 4, ll. 26-30) Since the glue is to be applied relative to the cutting locations, one in the art would appreciate that the same marks used to determine the cutting location could also be used to determine the adhesive application location, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the cutting marks to apply the adhesive prior to cutting since this would insure the adhesive is applied to the correct locations on the web.

Regarding claim 20, while the references do not disclose where the heating to activate the adhesive occurs, since the adhesive is intended to bond the layers of the carrier together during the pressing and transporting, one in the art would appreciate

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that the heat used to activate the adhesive would be applied during the pressing and transporting steps. Since the transporting steps use belt conveyors(56,57), one in the art would appreciate that the heating would occur while the carriers are being transported by the belt conveyors as this would be an obvious location to which to apply heat to bond the carrier to itself.

Regarding claim 21, while Vijuk '195 does not disclose score lines, Vijuk '931 discloses forming score lines in the carrier at location corresponding to the fold lines.(Col. 4, ll. 50-56) It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply score lines to the web and to do this before cutting it into individual sheets since such score lines are known in the outsert art as shown by example by Vijuk '931 and since such score lines would make folding easier as is well-known in general and to perform this scoring before cutting since this would be simpler than scoring individual sheets. While Vijuk '931 does not describe the rollers as a stamping element, applicant's specification shows that rollers which cooperate to form an indentation are a stamping element(Figure 5), and Vijuk '931 discloses rollers which cooperate to form an indentation.(Figure 5, Col. 4, ll. 50-56)

### ***Response to Arguments***

7. Applicant's arguments filed 6/26/06 have been fully considered but they are not persuasive.

Regarding applicant's argument that none of the references relate to the folding of coupons for the cigarette arts, the claims do not include any step that would restrict them to the cigarette art, nor do they mention the cigarette art.

Regarding applicant's argument that Vijuk '195 forms a coupon having the width of the blank, the reference clearly indicates the blank can be from two to sixteen times the width of the coupon.(Col. 3, ll. 54-59) Figure 1 clearly shows slitters 53 which slit the blank into multiple coupons adjacent each other.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara J. Musser whose telephone number is (571) 272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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